

EXHIBIT 15

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA

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4 NIRVANA, L.L.C., : CASE NO. 2:18-CV-
5 Plaintiff, : 10743-JAK-SK
:

6 vs. :
:

7 MARC JACOBS INTERNATIONAL :
8 L.L.C., et al., :
9 Defendants. :
:

10 MARC JACOBS INTERNATIONAL :
11 L.L.C., et al., :
12 Counterclaim :
13 Plaintiffs, :
14 :

15 vs. :
:

16 NIRVANA, L.L.C., :
17 Counterclaim :
18 Defendant. :
19 :

20 - - -

21 REMOTE VIDEOTAPED DEPOSITION OF ROBERT ANDRES FISHER

22 Thursday, August 27, 2020

23 - - -

24 GOLKOW LITIGATION SERVICES
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1 Remote videotaped stenographic deposition of
2 ROBERT ANDRES FISHER, conducted at the location of the
3 witness in Woodland Hills, California, commencing at
4 approximately 10:03 a.m., on the above date, before
5 Rosemary Locklear, a Registered Professional Reporter,
6 Certified Realtime Reporter and California CSR (#13969).

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GINA VELDMAN, Trial Technologist

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MICHAEL MEISEL

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1 Q. And tell me how that relationship began.

2 A. Well, I was a fan of the band. I had seen them
3 play live before. And I heard that we were going to
4 sign them. There was a rumor going around. So I went
5 down to the creative director's office and asked if I
6 could work with them.

7 Q. And who was that creative director?

8 A. I believe at that time it was Robin Sloane.

9 Q. And how did she respond to your request?

10 A. She said, "Sure." She thought it was great I
11 was a fan. It's always good when you like a band if you
12 work with them.

13 Q. And was the -- was the obtaining of jobs, you
14 know, particular assignments with Geffen, that informal?
15 You would walk into, you know, a creative director's
16 office and say, I want this, and they would say, yes,
17 no, but it was pretty much that was how it went?

18 A. Yeah, usually. If they were a very big,
19 established band, they might give it to a person they
20 thought went their style or something, but the new
21 bands, if you want -- if you really wanted to work with
22 them, you could usually just ask.

23 Q. And at that time, when you -- when you went into
24 Ms. Sloane's office and asked for this responsibility,
25 did you know or did she tell you what that role would

1 entail?

2 A. Not -- I don't believe she would have had to. I
3 would have known what to expect at that point.

4 Q. And so what would that have been?

5 A. Developing their package for their album
6 release, and then it would include singles and
7 everything that went along with that.

8 Q. And you testified earlier that in this more sort
9 of -- can I call it a senior role? Does that make
10 sense?

11 A. Well, it's more senior from when you first
12 start, but then once it's -- it's just what everybody
13 was. The only senior person would have been the
14 creative director.

15 Q. Got it.

16 So when you're -- when you're in this role now
17 where -- I'll call it where you have your own bands that
18 you're working with.

19 A. Uh-huh.

20 Q. Does that make sense?

21 A. Yeah. You can call it art director.

22 Q. Oh, art director. Okay.

23 So when you're in this art director role, is one
24 of the job responsibilities actually creating the
25 artwork or are you finding people more to do things?

1 know, crazy spiral eyes, and other things.

2 So, you know, it's experimenting around. So it
3 could be a day or two.

4 Q. And do you remember where you were when you
5 created it?

6 A. Did the drawing?

7 Q. Yes.

8 A. Not really.

9 Q. Would you have been at -- well, do you know if
10 Nirvana had an official office or business location at
11 that time?

12 A. I don't think Nirvana did.

13 Q. So then you wouldn't have been at, like,
14 Nirvana's office when you created this; is that correct?

15 A. No. No. That would be -- like you're referring
16 to the management company's office?

17 Q. Well, however you understand it.

18 A. Okay. Yeah.

19 Nirvana itself I don't believe had an office,
20 but it would have been like -- I don't know, what was
21 it? -- Gold Mountain or John Silva's office. But, no,
22 it was not there.

23 Q. And did you ever -- did you ever draw at home?

24 A. Uh-huh.

25 Excuse me. Yes.

1 Q. And so do you know if this was drawn in your
2 home?

3 A. I'm -- I don't remember.

4 Q. And do you know if anybody else was with you
5 when you -- when you drew the original drawing?

6 A. I don't -- I don't think so.

7 Q. And was there anyone with you when you made the
8 Xerox?

9 A. There could have been people standing around.
10 No one that I -- that comes to mind.

11 Q. And what -- so what caused you to make the, I
12 guess, creative decision to enlarge it in that way?

13 A. Well, as I said, that was the technique to get
14 the lines. You know, when you draw it small, then the
15 lines are all wavy and kind of, you know, crooked, you
16 know, rough around the edges. So that's why I blew it
17 up.

18 Q. And do you remember when the original drawing
19 was created?

20 A. No.

21 Q. Okay.

22 MR. ZINNA: Gina, would you please pull Tab G,
23 and mark it as Exhibit 7.

24 (Exhibit 7 was marked for identification.)

25 MR. ZINNA: Thank you.

1 BY MR. ZINNA:

2 Q. So, Mr. Fisher, I'm showing you now a document
3 that's been marked as Exhibit 7 that was produced by you
4 in response to the defendants' Subpoena.

5 Have you seen this document before?

6 A. Yes.

7 Q. What is it?

8 A. That is a request to use the new T-shirt design
9 from -- I believe -- they were making shirts to send out
10 to radio and they wanted to use the design for that to
11 send out 1,400.

12 Q. So is it like a --

13 A. I would call it like an initial request.

14 Q. Okay. I think it's been referred to as like a
15 promo T-shirt manufacturing price quote.

16 Is that what it is?

17 A. Well, the page we're looking at now is just like
18 I guess them figuring out how many they needed to order
19 or how many they wanted to make.

20 Q. I see.

21 MR. ZINNA: So, Gina, if you could, can we just
22 please pull up each of the pages of this document.

23 BY MR. ZINNA:

24 Q. And, Mr. Fisher, after you've had a chance to
25 look at it, I want to ask you about the document as one,

1 is that list here?

2 It looks like it says, Metal Doc, Metal B, and
3 then I can't really --

4 A. Yeah.

5 Q. -- ascertain what it says.

6 Do you know what it says here?

7 A. I believe it's the -- I'm not sure if it's
8 magazines or radio stations or something, that they were
9 going to -- they were kind of getting a count of how
10 many they wanted to send to each division or something.

11 Q. Okay. And at the top, does it say Nirvana
12 T-shirt-Radio Lists and -- I can't make out that last
13 word. Do you know what it is?

14 A. It might be Lists and Sales. Or Hits and -- I
15 can't read it either.

16 Q. And underneath that, it says, P-R-O-D, period,
17 Cost; is that correct?

18 A. Yes.

19 Q. Do you know if that means production costs?

20 A. I would guess that, yes.

21 MR. DEIXLER: Move to strike the answer. No
22 foundation.

23 BY MR. ZINNA:

24 Q. And if we -- if we move to Page 3 of this
25 document, do you see in between Flower Sniffin, Kitty

1 Pettin, Baby Kissin, Corporate Rock Whores, and the
2 handwriting that you said is yours at the bottom where
3 it says, "Nirvana Tee Shirt (Back)," do you see a little
4 logo there?

5 A. Yes.

6 Q. Do you know what that is?

7 A. That's the DGC logo, the other offshoot of
8 Geffen. Geffen Record Company or DGC.

9 Q. And did you create this document?

10 A. Yes.

11 Q. And why would you have put the DGC logo there?

12 A. I believe because this version of the shirt,
13 since DGC was giving them out, they asked to have their
14 logo on it.

15 Q. Okay.

16 MR. ZINNA: And if we go to the next page,
17 please.

18 BY MR. ZINNA:

19 Q. Do you know what this document is?

20 A. This looks like a quote for the actual printing
21 of the shirts from a printer.

22 Q. And do you see that it's dated July 26th, 1991?

23 A. Yes.

24 Q. So does that help refresh your recollection
25 about when the smiley would have been created? Would it

1 have to have been at least by this date?

2 A. Yeah. It would have been just before this a
3 bit.

4 Q. And why was the smiley face originally created?
5 Like, what was the original purpose for you drawing it?

6 A. Well, what I remember is that Nirvana, being
7 management or band, but which I -- they wanted -- they
8 had an old tour shirt that was -- it had the writing on
9 the back that was kind of explicit.

10 And they wanted to make a new shirt that they
11 could sell and -- you know, like a new promo shirt they
12 could promote themselves with at -- you know, sell on --
13 in concerts, and possibly in retail, and stuff like
14 that.

15 Q. And -- but -- so did you draw it for some other
16 purpose, but it ended up being used on the T-shirt Or
17 are you draw --

18 A. Well, I originally drew it for a T-shirt for
19 Nirvana, and then, I guess, this -- the -- this
20 department saw it and wanted to use it for one of their,
21 like, special promos.

22 Q. Okay. Had you drawn smiley faces prior to
23 drawing the one we've been talking about here?

24 A. Yes.

25 Q. Prior to your work with Geffen?

1 A. Yes. And in art school I used -- I used to
2 doodle them quite a bit.

3 MR. ZINNA: Gina, will you please pull Tab F,
4 and mark it as Exhibit 8. F, as in Frank.

5 (Exhibit 8 was marked for identification.)

6 BY MR. ZINNA:

7 Q. So, Mr. Fisher, you're looking at what has been
8 marked as Exhibit 8, and it was a document produced by
9 you in response to the Subpoena issued to you by the
10 defendants.

11 Have you seen this document before?

12 A. Yes.

13 Q. What is it?

14 A. These are, I guess you'd call them video
15 captures from a video in my last year at Otis-Parsons of
16 the -- some of the smiley faces that I used to draw
17 around.

18 Q. And what year was that?

19 A. It says May 2nd, 1989 --

20 Q. Oh, okay.

21 A. -- on the --

22 Q. So all these four stills are from the same
23 video?

24 A. Yes.

25 Q. And are you in possession of the video that

1 these stills were taken from?

2 A. Yes.

3 Q. And when did you come into possession of that
4 video?

5 A. I've had it since then.

6 Q. And it's been in your possession since then.

7 A. Yes.

8 Q. Did you -- well, is that you in the bottom
9 picture?

10 A. Yes.

11 Q. So --

12 A. The good-old days.

13 Q. Yeah.

14 So did you create the video or did you use it
15 or observe --

16 A. I had -- I believe it was my -- like, the last
17 couple weeks of my senior year, and I borrowed a
18 friend's -- you remember the big, old video cameras.

19 And I borrowed that, and just went around and
20 filming in all my classes, and had friends filming each
21 other, and stuff like that. So, yes.

22 Q. And did you take these screen captures?

23 A. Yes.

24 Q. And do they accurately reflect images from the
25 video, which you've said you've had in your possession?

1 draw in your free time?

2 A. Not regularly.

3 Q. And --

4 A. I would have mainly been concentrating on school
5 projects and, you know, graphic design for school
6 projects.

7 Q. And if we just take -- start with the image at
8 the top, do you recall why you created that image?

9 A. I do not.

10 Q. And for the image in the middle, the smiley, the
11 red smiley that's located in the image in the middle
12 left picture, do you recall why you created that?

13 A. Well, I -- what I remember from that room is,
14 the last week or so in your senior year all the walls
15 were white, and all the students would just go crazy and
16 spray paint and stencil and draw all over the walls and,
17 you know, just make the room crazy-looking.

18 So I believe some of those were part of that.
19 We had like free rein to graffiti and just paint the
20 hell out of the classroom.

21 Q. But no rhyme or reason to why you would have
22 contributed a smiley face to that.

23 A. I think I just used to like to draw them back in
24 the day.

25 Q. So turning back to --

1 would have delivered this to Nirvana before this date?

2 A. Yes.

3 Q. And you said "them."

4 Who at Nirvana or representing Nirvana would you
5 have delivered it to?

6 A. Well, back then, I was mainly -- my main contact
7 was John Silva. And he had another person in his office
8 that I remember dealing with, but I don't recall his
9 name.

10 He would send me -- you know, we'd fax back and
11 forth things, and do the messengering and things. But
12 it would have all gone to John Silva's office.

13 Q. And I can represent to you -- and this was in --
14 right.

15 So this was in 1991; correct?

16 A. Correct.

17 Q. So I can represent to you that in 1991 an entity
18 existed called Nirvana, Inc.

19 Have you ever been employed by an entity called
20 Nirvana, Inc.?

21 A. No.

22 Q. And have you ever received any employment
23 benefits from a company called Nirvana, Inc.?

24 A. No.

25 Q. Have you received any compensation from a

1 company called Nirvana, Inc., at all?

2 A. No.

3 Q. We've been going for about an hour. I'm okay,
4 but are you okay or would you like a break?

5 A. I'm still good. Thanks.

6 Q. Okay.

7 MR. ZINNA: So we can pull Exhibit 7 down now,
8 please, Gina.

9 And if you could put Exhibit 4 back up next to
10 Exhibit 6. Page 1.

11 Thank you.

12 BY MR. ZINNA:

13 Q. Is there a written agreement signed by you and
14 Geffen that would state that the smiley face here is a
15 work for hire?

16 A. No.

17 Q. Is there a written agreement signed by you and
18 Nirvana, Inc., stating that this agreement -- this
19 smiley face is a work for hire?

20 A. No.

21 Q. Is there any written agreement signed by you,
22 whether or not signed by anyone else, that states that
23 this smiley face is a work for hire?

24 A. No.

25 Q. Okay.

1 Q. And by "T-shirt design," you'll recall I said I
2 mean, you know, the graphics and the text together,
3 everything.

4 A. Yes. I put that all together.

5 Q. Okay.

6 MR. ZINNA: Gina, you can pull these down.

7 And please pull up Tab H, as in home, and mark
8 it as Exhibit 9.

9 (Exhibit 9 was marked for identification.)

10 MR. ZINNA: Thank you.

11 BY MR. ZINNA:

12 Q. So, Mr. Fisher, I'm showing you a document
13 that's been marked as Exhibit 9, which was produced by
14 you in response to the defendants' Subpoena.

15 Have you seen this document before?

16 A. Yes.

17 Q. What is it?

18 A. That is one of the 1,400 shirts that was ordered
19 that I -- that I received as a sample.

20 Q. So those are the 1,400 shirts that you said, I
21 think, were referenced in Exhibit 7 on that handwritten
22 note; correct?

23 A. If 7 is, like, the print order and that, yes.

24 Q. It is. So, thank you.

25 And are you in possession of the T-shirt in

1 these pictures?

2 A. Yes.

3 Q. And when did you come into possession of that
4 T-shirt?

5 A. When they were printed, which would have been
6 after that one date on the note. I'm not -- I'm not
7 sure how long the printing time was, but since it was a
8 small run, I'm sure it was pretty fast.

9 Q. And have you had it in your possession since
10 then?

11 A. Yes. Again, in a box.

12 Q. And did you take this photo?

13 A. Yes.

14 Q. And is this the T-shirt design that you created?

15 A. Yes.

16 MR. ZINNA: Can we see the next page, please,
17 Gina.

18 BY MR. ZINNA:

19 Q. So do Page 1 and Page 2 of this exhibit,
20 Mr. Fisher, represent the full T-shirt design that you
21 created?

22 A. Yes. With the addition of the logo on the
23 sleeve.

24 Q. And is this the T-shirt design that we also have
25 been referencing back to in Exhibit 3?

1 about the typesetting, if we -- it's right around the
2 time we started using computers, but really only for
3 typesetting.

4 So I'm not sure if I had the -- yeah, I probably
5 would have just done it on the computer and printed it
6 out, and then used the Xerox copy and cut it out, and
7 made the boards or the mechanicals, as we called them.

8 Q. And did anyone at Nirvana, Inc., give you any of
9 the materials that you used to create this T-shirt
10 design?

11 A. Not the materials, no.

12 Q. How long did it take you to create the T-shirt
13 design?

14 A. Like after the happy face was done?

15 Q. Yes.

16 So how -- so how did it -- how long did it take
17 you to create the full design of this T-shirt?

18 A. I'm not really sure. I do remember that there
19 was some change on the copy on the back. Like, maybe,
20 the "corporate rock whores" I did one way first and then
21 they asked -- they changed the wording a bit or
22 something. But -- so it could have been a day or so.

23 Q. And did someone ask you to create it?

24 A. To create the shirt?

25 Q. Yes.

1 A. Yes. I wouldn't have done it on my own.

2 Q. Do you remember who that was?

3 A. I don't exactly, but I'm -- if I had to guess, I
4 would say management, because they -- they're the ones
5 that had the idea to, you know, make a play on the other
6 shirt, the other tour shirt.

7 Q. And do you know if the original use for this
8 T-shirt was radio promotion?

9 A. That was the first sample I got. So I'm not
10 sure when I sent the mechanicals off for Nirvana to use.
11 I don't know if I sent them to Nirvana or to their
12 printer.

13 But I never got a sample back from them. So
14 this is the first time I ever saw it printed was the one
15 of the 1,400.

16 Q. But do you recall that this shirt was sent to
17 radio stations?

18 A. I would just have to assume that's what they
19 used it for.

20 Q. And do you know how many units of this were sent
21 out?

22 A. Well, I think the list is on that note or -- on
23 that one piece of evidence.

24 MR. ZINNA: Can we pull up Exhibit 7, Page 1,
25 please, Gina.

1 THE WITNESS: It looks like 1,305 were sent out,
2 but then there -- it looks like at the bottom there's
3 600 for, looks like, retail at Tower.

4 So -- but then they were -- padding is, you
5 know, a few extras. Like, that would have been like one
6 to give to me and some other people.

7 MR. ZINNA: Uh-huh.

8 THE WITNESS: So you could say close to 1,400
9 were probably sent out.

10 BY MR. ZINNA:

11 Q. And so do you know when those would have been
12 distributed?

13 A. I wouldn't know that, no.

14 Q. Do you know if it would have been before
15 November 1991?

16 A. I wouldn't know, no.

17 Q. Okay. And who --

18 MR. ZINNA: So getting back to, please, Gina,
19 Exhibit 3.

20 BY MR. ZINNA:

21 Q. At roughly the time that you created this
22 T-shirt in 19 -- this T-shirt design in 1991, who knew
23 that you created it?

24 A. I -- again, I would assume management company,
25 since I was working with them on it.

1 Q. And you mentioned earlier that you delivered the
2 design to someone associated with Nirvana, but I think
3 at that point we were talking just about the smiley
4 face.

5 So did you also deliver the whole design of this
6 T-shirt to them?

7 A. Yes. I would have -- I would have done a
8 mock-up and probably sent that -- sent them that to
9 approve.

10 And then once they said yes, then I would have
11 made a full-size mechanical of it, you know, with the
12 tracing paper and called out the colors, and then sent
13 them that, or if they would have directed me to send it
14 to a printer that they were using to make theirs.

15 Q. And do you recall who exactly at Nirvana you
16 would have sent it to?

17 A. Again, I would guess John Silva or his
18 assistant.

19 Q. And would the -- would the order for the 1,400
20 shirts have been made and completed if it had not been
21 approved by Nirvana or their management?

22 A. No. They would -- the -- their management would
23 always have to approve it before it was used elsewhere.
24 If it's going to represent the band, they would approve
25 it.

1 MR. ZINNA: Okay. If we could, could we take
2 just a -- well, do you want to maybe go -- I know it's
3 going to be noontime by you guys in California soon.

4 Do you want to go another half an hour or so and
5 then take a more extended break, or do you want to
6 stretch your legs?

7 I just want to --

8 THE WITNESS: I'll do a half hour and then take
9 a longer break. Give me --

10 MR. ZINNA: Okay.

11 THE WITNESS: -- time to make some lunch.

12 MR. ZINNA: That sounds good.

13 Okay. So --

14 VIDEO OPERATOR: We're off the record, then?

15 MR. ZINNA: No. No. No. We're going to go
16 about another half an hour and then we'll take a more
17 extended break.

18 VIDEO OPERATOR: Okay. I misunderstood. Sorry.
19 Go ahead.

20 MR. ZINNA: No problem.

21 Okay. So, Gina, if you could, please, pull up,
22 I believe it's Exhibit 3 again, please.

23 BY MR. ZINNA:

24 Q. So, Mr. Fisher, at the time that you created
25 this T-shirt design, you were not an employee of

1 Nirvana, Inc.; is that correct?

2 A. Correct.

3 Q. And you've never been an employee of Nirvana,
4 Inc.; correct?

5 A. Yes.

6 Q. Were you working with Geffen when this T-shirt
7 design was created?

8 A. I was working at Geffen Records, yes.

9 Q. And were you working for anybody else at that
10 same time?

11 A. I had various side projects and gigs that I was
12 working on. You know, I was young and fresh out of
13 school, so I was looking for as much work as I could
14 get.

15 Q. But none that related to this T-shirt design; is
16 that correct?

17 A. Restate the question, then.

18 Q. None of your side gigs were related to this
19 T-shirt design.

20 A. Oh.

21 Q. Correct?

22 A. Yeah. None of the other ones were, no.

23 Q. And when you were -- when you were hired to work
24 with Geffen originally, was the company aware that one
25 of your skills would be creating T-shirt designs?

1 A. No.

2 Q. And would you say that the scope of your work
3 with Geffen in 1991 would have included designing
4 T-shirts?

5 A. It wouldn't be a main focus, no.

6 Q. So if you elected not to create T-shirts, for
7 whatever reason, when working with Geffen, that wouldn't
8 cause you to like lose that position; is that correct?

9 MR. DEIXLER: Calls for speculation. No
10 foundation.

11 He's not an executive at Geffen.

12 THE WITNESS: Can you restate the question,
13 please.

14 MR. ZINNA: Sure.

15 BY MR. ZINNA:

16 Q. Do you know, if you were not able to create
17 T-shirt designs for Geffen in 1991, that would have
18 adversely affected your employment?

19 A. I don't think so.

20 MR. DEIXLER: Objection.

21 THE WITNESS: I mean, we did create shirts --

22 MR. DEIXLER: Hold on. Please, sir.

23 THE WITNESS: -- like with graphics --

24 MR. DEIXLER: Sir, let me -- let me state my
25 objection before you speculate here.

1 Q. We'll get to Tab L in a second.

2 But I want to start with this email we're
3 looking at on Page 2 of Exhibit 10. This is an email
4 from Mr. Wilkinson to you on November 27th, 2019, at
5 9:59 a.m.

6 Do you see that?

7 A. Yes.

8 Q. And do you see that Mr. Wilkinson in his email
9 mentions the lawsuit between Nirvana, L.L.C., and the
10 defendants?

11 A. Yes.

12 Q. And is this when you learned about this lawsuit?

13 A. Yes.

14 Q. So, now, if we look at Exhibit 11, which is a
15 document that you produced in response to the
16 defendants' Subpoena in this case, first, have you seen
17 this document before?

18 A. Yes.

19 Q. Is it a string of email correspondence between
20 you and Michael Meisel from February -- I'm sorry --
21 from November 27th, 2019?

22 A. The one I'm seeing is just one email, my first
23 email to Michael.

24 MR. ZINNA: Can you please scroll through this,
25 Gina.

1 BY MR. ZINNA:

2 Q. And, Mr. Fisher, let me know when you've
3 reviewed all of these pages.

4 A. (Witness reviews document.) I mean, were there
5 three? I've seen three now.

6 Q. Okay. And so, as to Exhibit 11, did you
7 personally receive or send each of these emails?

8 A. Yes.

9 Q. And who is Michael -- is it Meisel or Meisel?

10 A. Meisel.

11 Q. Meisel.

12 A. I've always said Meisel.

13 Q. Who is he?

14 A. He was my go-to person for Nirvana. He worked
15 in management.

16 Q. And do you know if he was working with or for
17 Nirvana in 1991?

18 A. I'm not sure of his start date, but it was
19 somewhere around then.

20 Q. I think you testified earlier that you thought
21 it might have -- might have been post the release of
22 Nevermind; is that correct?

23 A. Yeah. I'm not sure if he came like right when
24 it was coming out or -- yeah, right around then.

25 Q. Okay. So we -- let's start with -- okay.

1 just a scramble --

2 Q. Yeah.

3 A. -- of -- it's been going on forever being stuck
4 at home, so...

5 Q. I understand.

6 So between mid-May 2020 and today, have you or
7 your counsel had any conversations with Nirvana or its
8 representatives about the subject matter of this
9 lawsuit?

10 A. I have not. And I'm not a hundred percent sure
11 if she has or not.

12 Q. And so if she has, you're not aware of the
13 substance of any of those communications; is that
14 correct?

15 A. Not that I remember, no.

16 Q. And you would ask her if you wanted to know.

17 A. Yes.

18 Q. So let's -- okay.

19 MR. ZINNA: Gina, if you would, please, pull
20 Tab I, and mark it as Exhibit 12.

21 (Exhibit 12 was marked for identification.)

22 MR. ZINNA: Thank you.

23 BY MR. ZINNA:

24 Q. So, Mr. Fisher, I'm showing you a document
25 that's been marked as Exhibit 12, which is a document

1 that was produced by you in response to the defendants'
2 Subpoena to you in this case.

3 Have you seen this document before?

4 A. Yes.

5 Q. What is it?

6 A. It is a flyer I designed to get fans to come to
7 their -- to be in their video shoot for their first
8 video, "Smells Like Teen Spirit."

9 MR. ZINNA: Okay. If we could turn to the next
10 page of this, please. Well, okay.

11 This is Page 2, Gina. Yeah.

12 BY MR. ZINNA:

13 Q. So if you could take a look at both of these
14 pages, Mr. Fisher. I can't tell if these are actually
15 different items or if one was like folded up but it's
16 really just the same thing. Do you know?

17 A. I think they're pretty much the same thing. One
18 might be a little taller, for some reason. It looks
19 like it has more space on the right side on one, so it
20 might have been trimmed or something.

21 Oh, wait. Oh, it says -- actually, it says one
22 was 11-by-17 and then one is eight-and-a-half-by-eleven.

23 Q. So before we get to that, are you in possession
24 of the documents shown in these pictures?

25 A. Yes.

1 A. Well, it's not the exact same one, but it's a,
2 you know, different size one.

3 Q. Can you tell me how it's different in any way?

4 A. Just the size.

5 MR. ZINNA: Okay. Gina, if you would, please,
6 pull up Tab S, and mark it as Exhibit 13.

7 (Exhibit 13 was marked for identification.)

8 MR. ZINNA: Thank you.

9 BY MR. ZINNA,

10 Q. So, Mr. Fisher, I'm showing you now a document
11 that's been marked as Exhibit 13. And this document was
12 produced in this case by Marc Jacobs under the Bates
13 number MJI-N-I-R-V-A-N-A, Nirvana, 000330, and the next
14 page of this exhibit is MJI-Nirvana 000332.

15 Have you seen the item in this document before?

16 A. Yes. I created it.

17 Q. What is it?

18 A. It's a flyer or some kind of -- I think for
19 their record release party up in Seattle.

20 Q. And how did you come to create this?

21 A. I was asked to make a flyer to promote the
22 event.

23 Q. Did you attend the event?

24 A. No.

25 Q. The poster says that the party was to take place

1 A. Yes. If I don't do it now, there -- when can I?

2 Q. Okay.

3 MR. ZINNA: Gina, would you, please, move to
4 Tab Z, and mark it as Exhibit 22.

5 MR. DEIXLER: Shouldn't that be 21?

6 TRIAL TECHNOLOGIST: It is 21.

7 MR. ZINNA: Oh, okay. Thank you.

8 Sorry about that.

9 (Exhibit 21 was marked for identification.)

10 BY MR. ZINNA:

11 Q. So, Mr. Fisher, you are now looking at what's
12 been marked as Exhibit 21, which is a document that's
13 been produced by Nirvana in this case labeled with Bates
14 number NIRVANA-001840.

15 Have you seen this document before?

16 A. I think I saw it this morning briefly. We got a
17 package right before the deposition started.

18 Q. Okay. So you didn't see this prior to today.

19 A. Correct.

20 Q. So I'll represent to you that this is a document
21 that's titled "Acknowledgment" that was signed on
22 January 22nd, 2020, by John Ray, who is senior
23 vice-president of business and legal affairs, according
24 to this document, at UMG Recordings.

25 Do you -- did you know anything about this

1 document before you got it this morning?

2 A. No.

3 Q. Will you please take a moment to read it and let
4 me know when you've finished?

5 A. (Witness reviews document.) Okay.

6 Q. Okay. Do you know -- are you familiar with the
7 company UMG Recordings, Inc.?

8 A. Yes. I believe that's the label that Nirvana is
9 on currently, that puts out their releases.

10 Q. Do you see at the bottom it says that this
11 document -- well, this document is signed by John Ray?

12 A. Yes.

13 Q. Do you know John Ray?

14 A. No.

15 Q. So you never would have worked with him at your
16 time working with Geffen?

17 A. No.

18 Q. Do you know if he ever worked at Geffen?

19 A. I have -- I have no idea.

20 Q. Were you contacted about this document by anyone
21 prior to January 22nd, 2020?

22 A. No.

23 Q. Other than today, did you discuss this document
24 or any of the contents of it with anyone between
25 January 20th, 2020, and today?

1 misstate.

2 A. I believe it was early '91.

3 Q. And did you have a relationship with the members
4 of the band at that time?

5 Obviously, everybody who does work for them
6 probably does not, but did you?

7 A. Yes. They would come into the office and, you
8 know, we'd originally discuss the package and things.

9 Q. And so did you have any kind of direct
10 relationship with Mr. Cobain?

11 A. Yes.

12 Q. Can you describe the nature of that relationship
13 in 1991 to me, please?

14 A. Well, we collaborated on coming up with the
15 album covers and the artwork.

16 Q. And so would your relationship have been --
17 would you characterize it as just a professional
18 relationship or also a personal relationship?

19 A. It was a professional relationship. We didn't
20 hang out outside of that really.

21 Q. Okay.

22 MR. ZINNA: If we could take one more quick
23 break. I know we just had one, but I probably just need
24 to organize myself and maybe do a quick check to see if
25 there's anything I missed, and then I may be able to

1 you had made the smiley face T-shirt as a work for hire,
2 that, nevertheless, because of a drawing you had made in
3 art school, she requested the payment to you of monies?

4 Did you know that?

5 A. I --

6 MS. DE BRUYN: Objection. Form.

7 Mischaracterization.

8 BY MR. DEIXLER:

9 Q. Did you know that?

10 A. No, never heard of that.

11 Q. Did she discuss with you -- did you -- did it
12 come to your attention that a solicitation for the
13 payment of money to a witness under a Subpoena violates
14 federal laws?

15 MS. DE BRUYN: Objection. Form.

16 Mischaracterization.

17 BY MR. DEIXLER:

18 Q. Can you answer the question, sir?

19 A. Oh. No, I'm not aware of this.

20 Q. Okay. This time is the first you heard of it.

21 Let me -- let me go back a little bit and make
22 sure I have an understanding of what -- of what your
23 career has consisted of and what it is -- what it is
24 now.

25 At one point this afternoon you said you had

1 worked with Nirvana for 30 years.

2 When is the last time you did anything with
3 Nirvana?

4 A. Like a -- within a year, I believe.

5 Q. And what was that work?

6 A. It was an album release of Live and Loud.

7 Q. And that was in your role as an independent
8 contractor working through your -- through your company
9 that you and your wife own?

10 A. Yes.

11 MR. ZINNA: Objection to form.

12 BY MR. DEIXLER:

13 Q. Now, the first time you did work for Nirvana was
14 when you worked for the David Geffen Company; is that
15 true?

16 A. I was working at the record company.

17 Q. And you started working at the David Geffen
18 Company as a member of the staff in 1989 or early 1990;
19 is that true?

20 A. Yes.

21 Q. And you reported -- well, you -- there was an
22 office at the time on Sunset Boulevard; is that correct?

23 A. Correct.

24 Q. And that's where your office was?

25 A. Yes.

1 Q. And that's where you reported to work every day;
2 correct?

3 A. Yes.

4 Q. And that's where your bosses were housed as
5 well; is that true?

6 A. Yes.

7 Q. And among your bosses was Robin Sloane; correct?

8 A. Yes.

9 Q. And Robin Sloane was the person who assigned you
10 your work; correct?

11 A. For part of the time there, yes.

12 Q. Yes. And, in fact, Robin Sloane was the person
13 who assigned you work in connection with Nirvana; is
14 that true?

15 A. As far as I can remember, yes.

16 Q. And the way you came to have the opportunity
17 when you were at the David Geffen Company working there
18 to do something for Nirvana is that you approached
19 Ms. Sloane and asked for permission to work on the
20 Nirvana matter; is that true?

21 A. Yes.

22 Q. And she agreed; correct?

23 A. Yes.

24 Q. You understood that whatever work you did for
25 Nirvana would be subject to her approval; correct?

1 MR. ZINNA: Objection to form.

2 THE WITNESS: A lot of it was -- yeah, I guess,
3 in a sense. She didn't really approve everything.

4 BY MR. DEIXLER:

5 Q. And, in addition to having the work approved by
6 Ms. Sloane or others at the Geffen Company who were
7 supervisors, you also had to have the band's approval
8 for the work you were going to do; isn't that true?

9 A. Correct.

10 Q. And one of the things that you did in connection
11 with starting to understand better what would be
12 satisfactory to the band and, therefore, approved by
13 them, is to work to collaborate with them; is that true?

14 MR. ZINNA: Objection to form.

15 MS. DE BRUYN: Yeah.

16 THE WITNESS: Yes.

17 BY MR. DEIXLER:

18 Q. And the person you collaborated with most
19 extensively was Mr. Cobain; is that true?

20 A. Yes, more -- more later on. But early on, it
21 was a lot of the band, more of them.

22 Q. During 1991, prior to the release of the
23 Nevermind album, is it correct that you and Mr. Cobain
24 collaborated on creative aspects of the album and the
25 promotional materials surrounding the album?

1 MR. ZINNA: Objection to form.

2 THE WITNESS: The main album and -- yeah.

3 BY MR. DEIXLER:

4 Q. And you collaborated with Mr. Cobain. In fact,
5 he would often come to your office to talk to you about
6 it; isn't that true?

7 MS. DE BRUYN: Objection. Form.

8 THE WITNESS: Not that often.

9 BY MR. DEIXLER:

10 Q. How often did you and Mr. Cobain meet to discuss
11 his creative ideas regarding the intellectual property
12 that was going to be released by the David Geffen
13 Company bearing the Nirvana name?

14 MR. ZINNA: Objection to form.

15 THE WITNESS: We met once in the office and then
16 we had a photo shoot, and I don't remember any others
17 after that.

18 BY MR. DEIXLER:

19 Q. So, in 1991, it's your best memory that you met
20 with Mr. Cobain on exactly two occasions and no more;
21 correct?

22 A. I'm not --

23 MS. DE BRUYN: Objection to form.

24 THE WITNESS: I'm not saying exactly, no. There
25 may have been a few other times.

1 BY MR. DEIXLER:

2 Q. A few other times in your office; correct?

3 A. No.

4 Q. Where did you meet?

5 A. Only once in my -- only once in my office.

6 Q. Where else did you meet with Mr. Cobain in 1991
7 prior to the release of the Nevermind album?

8 A. At the photo shoot.

9 Q. Where else?

10 A. I'm not sure. We may have met -- oh, at the
11 recording studio.

12 Q. Where else?

13 A. That's all I can remember right now.

14 Q. When you saw him perform at the Roxy, did you go
15 backstage to talk to him?

16 A. No.

17 Q. Was there ever an occasion in which you spoke to
18 him about the album cover for Nevermind?

19 A. Yes.

20 Q. Was that in person, on the phone, or in some
21 other fashion?

22 A. It was in the office in the beginning, probably
23 at the studio where they were recording it, and then on
24 the phone, possibly.

25 Q. How frequently did you speak to Mr. Cobain on

1 Nevermind album cover?

2 MS. DE BRUYN: Objection to form.

3 THE WITNESS: I didn't say they participated in
4 all of them. There might have been a phone call with
5 Kurt and I that the other two weren't there.

6 BY MR. DEIXLER:

7 Q. But you don't remember.

8 A. I -- no, I don't remember if they were in the
9 room or not with him.

10 Q. When you were -- well, you were approached by
11 Ms. Sloane for -- to do work on a T-shirt in connection
12 with the newly signed Nirvana band; is that true?

13 MS. DE BRUYN: Objection. Form.

14 THE WITNESS: I didn't talk to Mrs. Sloane about
15 a T-shirt.

16 BY MR. DEIXLER:

17 Q. Who was the person who told you to adapt from
18 the Seven Circles of Hell, the T-shirt that was
19 ultimately created?

20 A. That would have come from management.

21 Q. Mr. Silva?

22 A. I believe so.

23 Q. So Mr. Silva told you that he wanted you to do
24 work on a T-shirt for the band Nirvana; is that correct?

25 MS. DE BRUYN: Objection. Form. Asked and

1 MS. DE BRUYN: Objection. Form.

2 BY MR. DEIXLER:

3 Q. -- at the Seven Circles of Hell T-shirt and to
4 make modifications from it, in substance; is that true?

5 MS. DE BRUYN: Objection to form.

6 MR. ZINNA: Objection to form.

7 THE WITNESS: Yes. He -- that was the -- like
8 what you would call a creative brief or to-do.

9 MR. DEIXLER: Okay.

10 BY MR. DEIXLER:

11 Q. So Mr. Silva gave you the creative brief of what
12 to do, you didn't check on his creative brief with your
13 employer at the David Geffen Company, you just started
14 to work; is that correct?

15 MS. DE BRUYN: Objection. Form.

16 THE WITNESS: Yes.

17 BY MR. DEIXLER:

18 Q. And you had a copy of the -- or an original of
19 that T-shirt in your possession; is that right?

20 A. Yes.

21 Q. And so you knew what the starting point was;
22 correct?

23 A. Yes, I was familiar with it.

24 Q. Okay. And the starting point included on the
25 front the name of the band in all caps; correct?

1 A. No.

2 Q. Do you know what that is?

3 A. I -- I've heard of it, yes.

4 Q. It's a -- it's a -- it's a club in Seattle?

5 A. Yes. I've recently heard about it as one of
6 the --

7 Q. Where did you hear about it? Where did you hear
8 about it?

9 A. What's that?

10 Q. Where did you hear about it?

11 A. Oh. Well, I heard that people were like
12 thinking that's where an idea came from for it.

13 Q. Who told you that?

14 A. It's on the Internet.

15 Q. It's on the Internet.

16 So back to -- back to your work in West
17 Hollywood at the David Geffen Company to prepare shirts,
18 preparing T-shirts was something that you've done
19 throughout your career, contributing graphics to; isn't
20 that true?

21 MS. DE BRUYN: Objection. Form.

22 THE WITNESS: Not that much at that point.

23 BY MR. DEIXLER:

24 Q. Well, let's take the broad expanse of your
25 career at David Geffen from '89 to 2000.

1 On how many occasions did you prepare the
2 graphics for a T-shirt for a recording artist?

3 A. I couldn't tell you at that point.

4 Q. In an 11-year period --

5 A. It may be none, it may be one or two, but I
6 don't recall.

7 Q. It was -- over an 11-year period, you only did
8 one or two T-shirts, the Nirvana --

9 A. Oh, I thought you said between my beginning in
10 '91.

11 Q. From the beginning in '91 until you left in --
12 from your beginning in '89 until your departure in 2000,
13 on how many occasions did you assist in preparing the
14 graphics for a T-shirt for recording artists?

15 A. I couldn't give you a definite number.

16 Q. What's your best estimate?

17 A. I really don't want to guess.

18 MR. ZINNA: Objection to form.

19 THE WITNESS: Perhaps ten, maybe? I -- just
20 guessing.

21 BY MR. DEIXLER:

22 Q. It was part of your job when instructed to
23 either by management or by your bosses at the Geffen
24 Company to prepare graphic art for T-shirts, you would
25 do that; right?

1 MS. DE BRUYN: Objection to form.

2 MR. ZINNA: Objection to form.

3 THE WITNESS: If they would ask me. If -- not
4 all bands got T-shirts. But, yeah, if that -- they
5 wanted to make a shirt for a band.

6 BY MR. DEIXLER:

7 Q. And you understood that the reason that these
8 shirts were prepared were at least twofold. One was for
9 promotion and the other was for sale at retail or at
10 concerts; correct?

11 MS. DE BRUYN: Objection to form.

12 MR. ZINNA: Object.

13 THE WITNESS: The ones for the label usually
14 weren't for sale.

15 BY MR. DEIXLER:

16 Q. They were for promotion; correct?

17 A. Yes. They were used for the record company to
18 send out and use.

19 Q. For promotion of the band; correct?

20 A. Yeah. You -- yeah. That's what --

21 Q. And promotion --

22 A. -- almost all T-shirts are for.

23 Q. Right.

24 And the promotion of the band, as well as

25 promotion of the product that the band was offering for

1 sale at the time; correct?

2 A. Yes. You'd put the album cover on a shirt for
3 them and they'd hand them out.

4 Q. And that was the case in connection with the
5 Nirvana shirt with the smiley face; correct?

6 MS. DE BRUYN: Objection. Form.

7 THE WITNESS: No.

8 BY MR. DEIXLER:

9 Q. That wasn't handed out for promotion purposes?

10 A. It was after it was made. It wasn't the reason
11 I made it.

12 Q. I'm sorry. The -- it was handed out after it
13 was made; correct?

14 You can't hand a shirt out until it's made;
15 true?

16 A. Well, rephrase your question.

17 MS. DE BRUYN: Objection. Form.

18 THE WITNESS: Your question --

19 MS. DE BRUYN: Argumentative.

20 THE WITNESS: Your previous question.

21 MR. DEIXLER: Sure. Why don't I start again.

22 BY MR. DEIXLER:

23 Q. You were instructed to create the graphics for a
24 Nirvana T-shirt; correct?

25 A. Yes.

1 MR. ZINNA: Objection to form. May --

2 THE WITNESS: They asked me to make a shirt for
3 them.

4 BY MR. DEIXLER:

5 Q. And you were told specifically to play off the
6 Seven Circles of Hell T-shirt; correct?

7 A. Yes.

8 Q. And your understanding at the time that you
9 received that instruction from Mr. Silva on behalf of
10 the band was that the T-shirts were going to be used for
11 promotion and for retail; correct?

12 A. Yes. They were going to sell them and -- at
13 shows and possibly retail as well.

14 Q. And you were instructed by Geffen to include the
15 Geffen logo on the T-shirts that were going to be used
16 for promotion; is that also true?

17 A. Yes. When they adapt -- adopted the shirt for
18 them to use, they asked that I could put the logo on it.

19 Q. And who asked you to do that?

20 A. I'm not sure.

21 Q. But you were asked by a supervisor at Geffen and
22 you did as you were told; correct?

23 A. I -- I --

24 MR. ZINNA: Objection to form.

25 THE WITNESS: It might have been someone -- yes.

1 MR. DEIXLER: Yeah.

2 BY MR. DEIXLER:

3 Q. It was your job to do that. They told you what
4 to do, you did it and executed as well as you could;
5 correct?

6 MS. DE BRUYN: Objection. Form.

7 THE WITNESS: Yes. If they wanted a logo on it,
8 I would put it on for them. I wouldn't argue.

9 BY MR. DEIXLER:

10 Q. Now, you, if I correctly understand, take the
11 position that you are entitled to the copyright on the
12 smiley face; is that true?

13 A. Yes. I'm the creator of it.

14 Q. And you created it at the time you were at the
15 David Geffen Company?

16 MS. DE BRUYN: Objection.

17 THE WITNESS: Yes, I --

18 MS. DE BRUYN: Asked and answered.

19 BY MR. DEIXLER:

20 Q. And you created it at the David Geffen -- while
21 you were at the David Geffen Company at the behest of
22 Mr. Silva, who asked you to create a T-shirt; right?

23 MS. DE BRUYN: Objection. Form. Asked and
24 answered.

25 THE WITNESS: Yes. I was asked to create -- to

1 BY MR. DEIXLER:

2 Q. Is there another example that you have that
3 precedes the one you made while you were at the David
4 Geffen Company that you haven't produced?

5 A. No. This would -- this was what I could find.

6 Q. So we now have the totality of all of the
7 predecessor artwork to the smiley face that appears on
8 the T-shirt; correct?

9 MR. ZINNA: Objection to form.

10 MS. DE BRUYN: Objection to form.

11 THE WITNESS: As far as I know at this moment.

12 BY MR. DEIXLER:

13 Q. And you've conducted a thorough search in
14 response to the Subpoena that was sent by Mr. Zinna and
15 his colleagues; correct?

16 A. Yes.

17 Q. So you have no reason to think that you --
18 somewhere in that garage you've got something that's a
19 bit closer to the smiley face that you now claim a
20 copyright to; correct?

21 A. Correct.

22 Q. And the copyright -- I'm sorry -- the smiley
23 face which you have shown us the Xeroxed blowup of
24 today, that was one that was absolutely created while
25 you were at the David Geffen Company; correct?

1 MS. DE BRUYN: Objection. Form. Asked and
2 answered.

3 THE WITNESS: The Xerox was.

4 BY MR. DEIXLER:

5 Q. The smiley face itself with the X eyes, the
6 tongue askew, that was created while you worked at the
7 David Geffen Company; right?

8 MR. ZINNA: Objection to form.

9 THE WITNESS: The Xeroxed blowup was.

10 BY MR. DEIXLER:

11 Q. You don't have an example that predates the one
12 that you've shown us that you did at the David Geffen
13 Company. Is that at least true?

14 A. No, I don't have any more examples from back
15 then.

16 Q. And can you remember what you did with whatever
17 that predecessor smiley face was?

18 A. The little, teeny one that I drew? Is that what
19 you're asking?

20 Q. Well, whichever one you claim was the one you
21 created before you created the one at the David Geffen
22 Company. Where is it?

23 A. No, I -- I --

24 MS. DE BRUYN: Objection. Form.

25 MR. ZINNA: Objection to form.

1 THE WITNESS: I think you're misunderstanding
2 me. The one that I showed in the example was a Xerox
3 that I made at the Geffen Company of the little, teeny
4 one.

5 I have no idea where the little one was. It's
6 an inch big. So it is lost.

7 BY MR. DEIXLER:

8 Q. And you presented this smiley face at the time
9 in response to Mr. Silva's instruction that you create
10 this shirt; correct?

11 MS. DE BRUYN: Objection. Form.

12 THE WITNESS: Yes. I would have put it all
13 together with the type and the back type and sent it
14 over for them to approve.

15 BY MR. DEIXLER:

16 Q. Well, the type itself was type -- a similar to
17 or identical with the type that appeared on the Seven
18 Circles of Hell T-shirt; correct?

19 A. Yes, there were similarities.

20 Q. You weren't -- you weren't the creator, to use
21 your word, of the typeface; correct?

22 A. No.

23 Q. And you weren't the creator of the language
24 which was used on the back of that shirt; correct?

25 A. Correct.

1 Q. And you weren't the creator of the word
2 "Nirvana" in caps in that particular typeface; correct?

3 A. Correct.

4 Q. And the smiley face that you drew was the smiley
5 face -- well, let me ask about that.

6 The smiley face that appears on the T-shirt, was
7 that something that you drew at the David Geffen
8 Company?

9 A. I'm not sure where -- exactly where I drew it,
10 but I brought it in and Xeroxed it there.

11 Q. With the idea that it would be used on the
12 Nirvana T-shirt; correct?

13 A. Correct.

14 Q. In response to Mr. Silva's instructions;
15 correct?

16 A. Yes.

17 Q. In your capacity at the David Geffen Company; is
18 that also true?

19 MS. DE BRUYN: Objection. Form.

20 THE WITNESS: By "capacity," what do you mean?

21 BY MR. DEIXLER:

22 Q. You were working at the David Geffen Company and
23 providing your services for pay to a -- to the David
24 Geffen Company in service of its artists signed to its
25 label; is that true?

1 MS. DE BRUYN: Objection. Form.

2 MR. ZINNA: Objection to form.

3 THE WITNESS: Can you -- can you restate that.

4 MR. DEIXLER: Well, let's see if Ms. Locklear
5 can read it. Maybe upon hearing it again, I'll think
6 it's no good and I'll try it again.

7 (The court reporter read back the requested
8 portion of the record.)

9 THE WITNESS: Yes, I was working with artists on
10 the David Geffen Company.

11 BY MR. DEIXLER:

12 Q. Well, a specific artist, Nirvana, at the
13 direction of Mr. Silva; correct?

14 MS. DE BRUYN: Objection. Form.

15 THE WITNESS: What did Mr. Silva direct?

16 BY MR. DEIXLER:

17 Q. That you make a T-shirt that played off the
18 Seven Circles of Hell. I think we've established that,
19 haven't we?

20 A. Yes. But the way you asked was a little
21 confusing. Sorry.

22 Q. I apologize for any confusion.

23 So you created different versions of the smiley
24 face for consideration by the David Geffen Company,
25 Mr. Silva, and the band.

1 MS. DE BRUYN: Objection. Form.

2 BY MR. DEIXLER:

3 Q. Is that true?

4 A. They were not for the David Geffen Company.

5 Q. They were just for Nirvana; correct?

6 A. Yes. I do a lot of experimenting first before I
7 show stuff a lot of times. So I do different versions.

8 Q. So it was your goal to create a version that
9 would be satisfactory to the band Nirvana; correct?

10 A. Correct.

11 Q. And so one of the versions that you created had,
12 instead of X eyes, dollar-sign eyes; is that true?

13 A. Yes.

14 Q. And the notion of the dollar sign was something
15 that had been in discussion between yourself and
16 Mr. Cobain regarding his conception of the --

17 MS. DE BRUYN: Objection.

18 BY MR. DEIXLER:

19 Q. -- Nevermind album cover; isn't that true?

20 MS. DE BRUYN: Objection. Form.

21 THE WITNESS: Yes, it was related to our ideas
22 for the cover.

23 BY MR. DEIXLER:

24 Q. Well, the idea of a dollar on a fishhook, that
25 was -- that was Mr. Cobain's idea, wasn't it?

1 manufacture of the T-shirt that has the smiley face on
2 it?

3 MS. DE BRUYN: Objection. Form.

4 THE WITNESS: They paid for their 1,400 copies
5 that they made for -- of it.

6 BY MR. DEIXLER:

7 Q. The receipts that we have been shown in your
8 deposition, those were all receipts or budgets that were
9 paid by the David Geffen Company, not by you; correct?

10 A. Correct.

11 MR. ZINNA: Objection to form.

12 BY MR. DEIXLER:

13 Q. You didn't take a penny out of your pocket to
14 create those shirts; is that true?

15 A. The ones for David Geffen?

16 Q. Yes.

17 A. Correct.

18 Q. Did you take money out of your pocket when you
19 created the shirts sold at retail by Nirvana?

20 MS. DE BRUYN: Objection. Form.

21 THE WITNESS: I probably already had the pen and
22 I don't -- where the paper was, I don't know. So I
23 didn't -- I didn't go out and buy -- have to buy
24 anything for it.

25

1 drew it. And I remember somehow he sent it to me kind
2 of just as a joke or something to show me.

3 Q. And when was that, approximately?

4 A. '92 or '93. I don't remember.

5 Q. After the release of the Nevermind album;
6 correct?

7 A. Yes.

8 Q. And after the promotional shows that were
9 conducted both in Seattle and at the Roxy; correct?

10 MS. DE BRUYN: Objection. Form.

11 THE WITNESS: Yes.

12 BY MR. DEIXLER:

13 Q. And after you understood that the shirts for
14 retail had been sold; correct?

15 A. Yes.

16 Q. You were aware --

17 A. Oh, wait.

18 Q. You were aware --

19 A. I'm sorry. I wasn't aware of when the retail
20 shirts were actually sold.

21 Q. But by 1992, you were aware --

22 A. Oh.

23 Q. -- that they had been sold, you didn't know when
24 in '91 they were sold. Is that fair?

25 A. I probably knew around then. I might have seen

1 them at another show or something.

2 Q. And you've been consistently aware since 1991 or
3 1992 that Nirvana smiley T-shirts have been sold around
4 the United States and, really, the world; correct?

5 A. I've --

6 MR. ZINNA: Objection to form.

7 THE WITNESS: I mean, I've seen them around.

8 BY MR. DEIXLER:

9 Q. And you've seen them around consistently;
10 correct?

11 A. I guess you could say that, yeah.

12 MR. ZINNA: Objection to form.

13 BY MR. DEIXLER:

14 Q. You have a son, don't you?

15 A. Yes.

16 Q. And your son has a Nirvana smiley face T-shirt,
17 doesn't he?

18 A. Yes. My -- my -- I -- my wife bought him one at
19 Target or something.

20 Q. And you posted a photograph of him in the
21 T-shirt on your Instagram page.

22 A. Yes.

23 Q. Right?

24 A. Yes.

25 Q. So there's no question in your mind that there

1 were retail sales of this item, the smiley face
2 T-shirts, for decades; correct?

3 A. Yes.

4 Q. And at all times it was the smiley face that you
5 are now claiming that you are the copyright owner to;
6 correct?

7 A. Yes. I didn't think that I --

8 MR. ZINNA: Objection to form.

9 THE WITNESS: I wouldn't consider it that I'm
10 now claiming it. I've never said I didn't do it.

11 BY MR. DEIXLER:

12 Q. Did you ever tell Mr. Cobain that you believed
13 you were the copyright owner of the smiley face?

14 A. No.

15 Q. Did you ever tell any of the band members that
16 you believed you were the copyright owner of the smiley
17 face?

18 A. No.

19 Q. Did you ever tell anybody at the David Geffen
20 Company that you believed that you were the owner of
21 the -- the copyright owner of the smiley face?

22 A. No.

23 Q. Prior to August 10th, 2020, when a lawyer on
24 your behalf has filed a copyright registration, had you
25 ever made any attempt to register a copyright of the

1 smiley face?

2 A. Not until the one that was recently filed, no.

3 Q. Do you have any copyrights that you have filed
4 prior to August 10th, 2020, in any respect?

5 A. No.

6 Q. Other than Nirvana, is there any other group
7 with which you have worked, from 1989 through 2000, at
8 the David Geffen Company for whom you have claimed that
9 you are the owner of a copyright of anything that you
10 worked on?

11 A. No.

12 Q. We've spoken about your role in -- well, let me
13 back up.

14 We've seen examples of a flyer and a poster that
15 you've been shown which contained announcements about a
16 show in Seattle, as well as a video shoot in Los
17 Angeles.

18 Am I remembering that correctly?

19 A. Yes.

20 Q. And each of those documents contain a smiley
21 face; correct?

22 A. Correct.

23 Q. And you've said you've created each of those; is
24 that true?

25 A. Yes.

1 Q. And in creating them, did you just design the --
2 well, did you prepare or originate the words that appear
3 on that -- on each of those items?

4 A. No.

5 Q. That was dictated to you by somebody?

6 A. Yes.

7 Q. By whom?

8 A. Depending on which one, I -- it would have
9 come -- I don't know where it would have come from.

10 Q. Well, it came either from the band through its
11 management or through your bosses at the David Geffen
12 Company or both; correct?

13 A. Correct. Could be.

14 Q. And -- well, what's your memory? If it isn't
15 David -- if it isn't the David Geffen Company and it
16 isn't the band through Nirvana, who else do you think
17 would have been in a position to instruct you about
18 putting out these flyers?

19 A. It would have been either management or the band
20 or someone at David Geffen, yes.

21 Q. And before these flyers were put out, you
22 submitted them for review either to the David Geffen
23 Company or to the band's management or to both; is that
24 also true?

25 A. Yes, because --

1 back up.

2 At the time you created these flyers you were
3 working at the David Geffen Company; correct?

4 A. Yes, I was working there.

5 Q. And at the time you decided that you would use
6 the smiley face on each of these documents, it was your
7 decision to include that on those flyers; correct?

8 A. Yes.

9 Q. And you understood that at the bottom of those
10 flyers there was a reference to the David Geffen
11 Company; correct?

12 A. On the one, I believe, yes.

13 Q. And there was no reference specifically to you;
14 is that true?

15 A. Reference how?

16 Q. In any way, that you were the creator or, better
17 still, the copyright owner.

18 A. No, I didn't -- no.

19 Q. Why didn't you indicate at that time that you
20 were the copyright owner?

21 MR. ZINNA: Objection to form.

22 MS. DE BRUYN: Yeah.

23 THE WITNESS: I made that for Nirvana to use.

24 MR. DEIXLER: Okay.

25

1 BY MR. DEIXLER:

2 Q. So you made these flyers for Nirvana to use and
3 didn't make a claim that you were the copyright owner at
4 that time.

5 Do I understand that correctly?

6 A. Correct. I was not holding a copyright for it.

7 Q. And it's also true that you were working in your
8 capacity at the David Geffen Company at the time you
9 were making these things for Nirvana and not claiming a
10 copyright ownership; is that also true?

11 MS. DE BRUYN: Objection. Form.

12 THE WITNESS: What was the question again? I'm
13 sorry.

14 MR. DEIXLER: If you could read it back,
15 Ms. Locklear, I would appreciate it.

16 (The court reporter read back the requested
17 portion of the record.)

18 THE WITNESS: Yes, I was working at the Geffen.

19 BY MR. DEIXLER:

20 Q. At the Geffen Company in service of the Nirvana
21 album; is that right?

22 MS. DE BRUYN: Objection. Form.

23 THE WITNESS: I was working on the album and
24 everything at that time, yes.

25

1 BY MR. DEIXLER:

2 Q. You've used the word "at" when talking about the
3 David Geffen Company and your work there, that you were
4 working at the David Geffen Company.

5 Is the choice of that preposition important in
6 your sense of where you were working?

7 Were you working for the David Geffen Company or
8 just simply located at the David Geffen Company?

9 A. I was working for them. They were paying.

10 Q. And is it your memory that you never had a
11 written agreement with the David Geffen Company?

12 MS. DE BRUYN: Objection. Form.

13 MR. ZINNA: Objection to form.

14 THE WITNESS: I do not remember signing one
15 ever, no.

16 BY MR. DEIXLER:

17 Q. You may have and you've forgotten or you're
18 certain that there's no --

19 A. I may have --

20 Q. -- way you signed any agreement?

21 A. I may have and forgotten.

22 MR. ZINNA: Objection to form.

23 BY MR. DEIXLER:

24 Q. Now, other than Ms. Sloane, who else did you
25 report to when you were working for the David Geffen

1 correct?

2 A. Yes.

3 Q. And they had to give you approvals for you to
4 perform whatever services you were going to perform;
5 correct?

6 MS. DE BRUYN: Objection. Form. Asked and
7 answered.

8 THE WITNESS: They would -- they would
9 approve -- have to approve what? I'm sorry.

10 BY MR. DEIXLER:

11 Q. For you to provide services, you had to get
12 their approval; correct?

13 I mean, you couldn't just go off and do a Beck
14 Odelay album cover without somebody saying you should do
15 that; right?

16 MR. ZINNA: Objection to form.

17 THE WITNESS: Yeah. For album covers and things
18 like that, yes, you would need to put a budget together
19 and all that. So, yes, it would have to be approved.

20 BY MR. DEIXLER:

21 Q. And you didn't receive any separate fee for your
22 work in connection with the design of the Nirvana
23 T-shirt; correct? It was all part of your overall
24 compensation at Geffen?

25 MS. DE BRUYN: Objection to form.

1 THE WITNESS: I wouldn't say it was part of my
2 overall compensation, no.

3 BY MR. DEIXLER:

4 Q. Did you receive a separate payment for the
5 creation of the T-shirt?

6 A. No.

7 Q. Were you paid, nevertheless, by the David Geffen
8 Company for the work you were doing there at that time
9 on that project?

10 MS. DE BRUYN: Objection to form.

11 THE WITNESS: On which project are you referring
12 to?

13 BY MR. DEIXLER:

14 Q. The T-shirt project.

15 A. Oh.

16 Q. You got paid for it, didn't you?

17 A. No.

18 Q. So let me make sure I understand your point of
19 view.

20 You were working at the David Geffen Company in
21 1991 and one of the things you were working on was a
22 T-shirt for Nirvana; correct?

23 MS. DE BRUYN: Objection to form. Asked and
24 answered.

25 This is starting to be harassment.

1 BY MR. DEIXLER:

2 Q. Correct?

3 A. Yes.

4 Q. And did you receive bimonthly paychecks from the
5 David Geffen Company?

6 A. I'm not -- I don't remember how often they were.

7 Q. Were you paid on a piecework basis, that is, if
8 you did a T-shirt, you'd get X dollars, and if you did
9 an album cover, you'd get Y dollars --

10 A. No.

11 Q. -- or did you receive a fixed amount of money?

12 A. No.

13 Q. How were you paid?

14 A. A paycheck, I guess. I would get a check. I'm
15 not sure how often, though.

16 Q. I see.

17 So you'd get a check bimonth -- weekly,
18 bimonthly, or monthly. Is that fair?

19 A. Yes.

20 Q. And it was at a fixed amount; correct?

21 A. During the freelance time, I'm not sure if it
22 was like they counted the hours you were there or
23 something. But I'm --

24 Q. I see.

25 What was the -- when were you there in the

1 fulfilling his -- what he wanted to do.

2 BY MR. DEIXLER:

3 Q. Can you think of a time when Mr. Cobain asked
4 you to do something in connection with the graphics
5 relating to either promotional material, T-shirts, album
6 covers, or packaging where you didn't do as he directed?

7 MR. ZINNA: Objection to form.

8 THE WITNESS: No, nothing comes to mind.

9 BY MR. DEIXLER:

10 Q. Same question with management: Can you think of
11 an instance in which management gave you any direction
12 regarding a T-shirt, album cover, packaging, or
13 promotional materials where you didn't follow their
14 direction?

15 MS. DE BRUYN: Objection to form.

16 MR. ZINNA: Objection to form.

17 THE WITNESS: Nothing comes to mind.

18 BY MR. DEIXLER:

19 Q. Again, in connection with Nirvana only at the
20 moment, was there a time where you received a direction
21 from Ms. Sloane or any superior of yours at the David
22 Geffen Company regarding a T-shirt, packaging, an album
23 cover, or promotional materials where you didn't follow
24 that direction?

25 MS. DE BRUYN: Objection to form.

1 MR. ZINNA: Objection to form.

2 THE WITNESS: Can you repeat -- repeat the
3 question, please.

4 MR. DEIXLER: Ms. Locklear will do that, I'm
5 sure.

6 (The court reporter read back the requested
7 portion of the record.)

8 THE WITNESS: I don't remember any.

9 BY MR. DEIXLER:

10 Q. Let me ask you about the other bands that you
11 worked for from '89 to 2000 when you were with the David
12 Geffen Company.

13 Can you give me a sample of those bands?

14 A. Urge Overkill, Beck, Morphine, That Dog.

15 Q. I think you should go slower because, you know,
16 we don't want to hospitalize Ms. Locklear.

17 A. Okay.

18 Q. Morphine?

19 A. That Dog. God, there were so many.

20 Q. Wheezer?

21 A. Well, Wheezer was after.

22 Tyketto, The Throbs. Oh, I worked on some Black
23 Crowes things. I worked for Slayer and Danzig. That's
24 all I can remember really right now.

25 Q. And were the services that you provided for each

1 of those ten or so bands similar in kind to the services
2 you provided to Nirvana?

3 A. Similar in what way?

4 Q. Similar in any way. That is, you did graphic
5 work --

6 A. Oh. Yes, it was -- it would have been mainly
7 working on --

8 MR. ZINNA: Objection to form.

9 THE WITNESS: -- working on their album
10 packaging.

11 BY MR. DEIXLER:

12 Q. Did you do any promotional items for them?

13 A. Yeah. A lot of times they would get posters and
14 things like that. One-by-one's. Singles.

15 Q. Any T-shirts, sweatshirts, hats?

16 A. Yeah.

17 Q. Which artists?

18 A. Urge Overkill, I know I did a shirt.

19 MR. ZINNA: Objection to form.

20 THE WITNESS: I don't remember them all. I
21 don't know. It was a long time ago.

22 BY MR. DEIXLER:

23 Q. As to these ten bands with whom you worked while
24 you were at the David Geffen Company, did you make a
25 claim to copyright ownership for any of those bands?

1 A. No.

2 MR. ZINNA: Objection to form.

3 BY MR. DEIXLER:

4 Q. Is there any work that you did at the David
5 Geffen Company for which you claim copyright rights
6 other than in connection with the smiley face for
7 Nirvana?

8 MS. DE BRUYN: Objection to form.

9 THE WITNESS: No.

10 BY MR. DEIXLER:

11 Q. Let me show you what we'll mark as Exhibit 205.

12 (Exhibit 205 was marked for identification.)

13 MS. MOSES: Gina, this is Tab 29.

14 MR. DEIXLER: It needs to be flipped.

15 There you go.

16 BY MR. DEIXLER:

17 Q. Have you seen this document before today,
18 Exhibit 205?

19 A. I don't believe so.

20 Q. I'll represent to you that it has been
21 introduced into evidence in the deposition of Lee Brayer
22 and it is a drawing by Kurt Cobain.

23 I'd like to call your attention to the eyes of
24 this figure. Would you describe what they are?

25 A. They look like they're crossed out X's.

1 interest in the work you did?

2 MS. DE BRUYN: Objection to form.

3 BY MR. DEIXLER:

4 Q. Whereas, you have for your work on Nirvana.

5 MS. DE BRUYN: Objection. Form.

6 THE WITNESS: What did I do for other bands that
7 I --

8 BY MR. DEIXLER:

9 Q. Why haven't you claimed -- why haven't you
10 claimed the copyright interest in the work you did in
11 '91 at the David Geffen Company for other bands while
12 having done so for Nirvana?

13 MS. DE BRUYN: Objection to form.

14 THE WITNESS: There's been no need to.

15 BY MR. DEIXLER:

16 Q. I don't understand. What do you mean?

17 A. There's -- there's -- there's been no need to.

18 Q. What do you mean by that?

19 A. There's nothing -- pardon?

20 Q. What do you mean by that, there was no need to?

21 A. There's nothing that I would feel I would want
22 to copyright.

23 Q. And why is it that there's nothing that you did
24 for other bands that you feel you'd want to copyright?

25 A. If it was done within the scope of --

1 MR. ZINNA: Objection to form.

2 THE WITNESS: If it was done within the work for
3 Geffen, there would be no need to.

4 BY MR. DEIXLER:

5 Q. And that was because the work that you did for
6 Geffen was work for hire?

7 MS. DE BRUYN: Objection to form.

8 MR. ZINNA: Objection to form.

9 THE WITNESS: I'm not exactly sure the total
10 meaning of work for hire. But commissioned by Geffen, I
11 guess you could say, they were paying for it.

12 BY MR. DEIXLER:

13 Q. And wasn't Geffen paying for the work you did
14 for Nirvana?

15 MS. DE BRUYN: Objection to form.

16 MR. ZINNA: Objection to form.

17 THE WITNESS: Some of it, yes.

18 BY MR. DEIXLER:

19 Q. And some of it not?

20 MS. DE BRUYN: Objection to form.

21 THE WITNESS: Yes.

22 MR. DEIXLER: Okay.

23 BY MR. DEIXLER:

24 Q. So tell me -- I guess I didn't understand this.
25 What work did you do for Nirvana for which you

1 were not paid by Geffen?

2 A. Well, for instance, a T-shirt, probably did like
3 backstage passes and laminates, and things like that,
4 where management would just call and ask me to put
5 something together for them that didn't go through
6 Geffen.

7 Q. I see.

8 And you would send an invoice to anybody?

9 A. No.

10 Q. Did you ask to be paid in any way?

11 A. No.

12 Q. You waited 29 years before you made this claim;
13 right?

14 MR. ZINNA: Objection to form.

15 MS. DE BRUYN: Objection to form.

16 THE WITNESS: Correct.

17 BY MR. DEIXLER:

18 Q. Do you believe that Marc Jacobs has infringed on
19 your copyright?

20 MS. DE BRUYN: Objection to form.

21 MR. ZINNA: Objection to form.

22 THE WITNESS: It appears so.

23 BY MR. DEIXLER:

24 Q. And is it your view that the smiley face which
25 you have claimed a copyright in is something which is

EXHIBIT

7

RL 8/27/20

exhibitster.com

Nirvana T-Shirt - Radio lists & Subs

GEFFEN RECORDS

PROD. COST

| | |
|-----------|-------|
| Metal DGC | 168. |
| Metal B | 264 |
| Alt DGC | 159. |
| Alt B | 714 |
| | <hr/> |
| | 1305 |

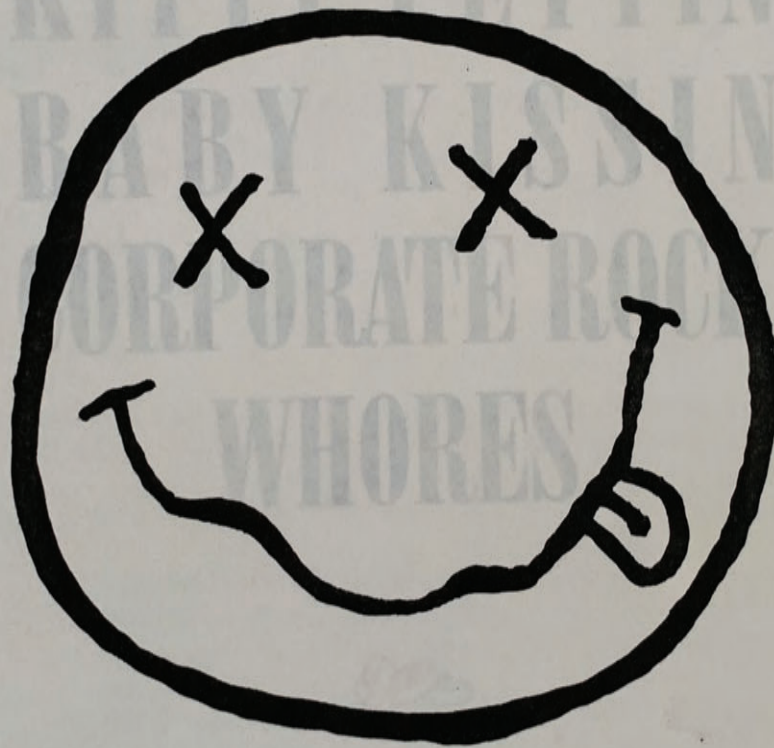
+ padding (1400)

800 def ~~800~~ 600 - { A Retail
Uni
Tower

From the desk of
Robin Rothman

NIRVANA TEE SHIRT (FRONT)

NIRVANA



NIRVANA TEE SHIRT (FRONT)

**FLOWER SNIFFIN
KITTY PETTIN
BABY KISSIN
CORPORATE ROCK
WHORES**

DATE: 10/2/93
TO: B & B
ATTN: [illegible]
FROM: [illegible]

TOTAL: [illegible]

As discussed with Keri
1000 NIRVANA T-shirt

I would like to have you price them for me.

- 1) Black shirt with White imprint 4.50
- 2) Black shirt with Yellow imprint 12.50
- 3) Black shirt with Yellow imprint on the front and White imprint on back 3.90
- 4) White shirt with Black imprint



DAVID GEFEN COMPANY

Also, we may want to put the DGC logo on the sleeve instead of on the back - please let me know what the additional cost for this would be.

Thank you,

NIRVANA TEE SHIRT (BACK)

If you did not receive said pages sent, please call (213) 285-7550 or Fax (213) 275-6933.



DAVID GEFFEN COMPANY

AD/MERCH FACSIMILE COVER SHEET

DATE: July 26, 1991

TO: B & H

ATTN: Hadi Salem

FROM: Laurel Steven *LS*

TOTAL PAGES SENT: 3

As discussed with Karen, enclosed is a copy of the art for the approximately 1400 NIRVANA T-shirts that we would like to have you produce. *Virgin Hits of the 60s*

I would like to have you price them four ways: *(art will be larger)*

- 1) Black shirt with White imprint 4.20 \$25 screens
- ★ 2) Black shirt with Yellow imprint
- 3) Black shirt with Yellow imprint on the front and White imprint on back
- 4) White shirt with Black imprint 3.90

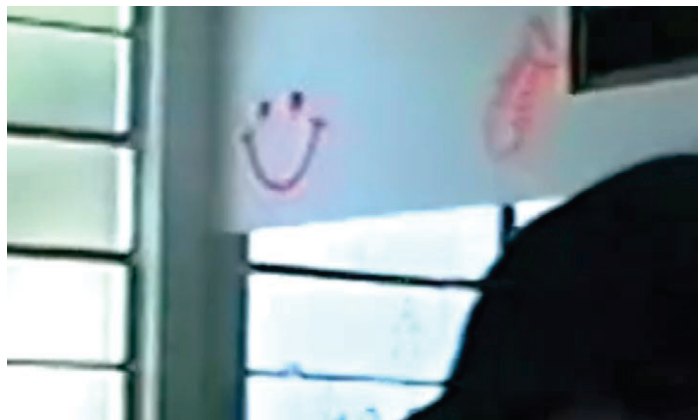
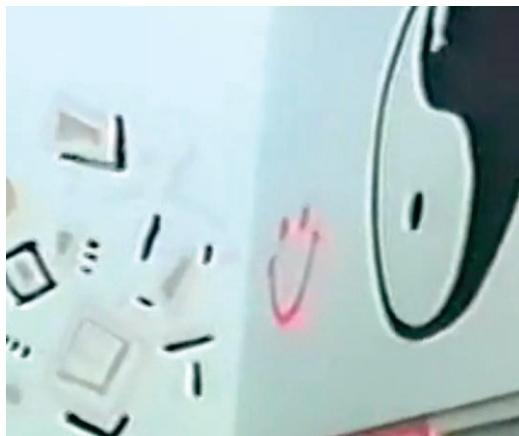
Also, we may want to put the DGC logo on the sleeve instead of on the back - please let me know what the additional cost for this would be.

Thank you. *.30*

4.30
.30
\$ 4.60

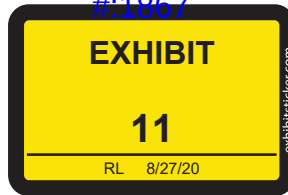
If you did not receive total pages sent, please call (213) 285-2753 or Fax (213) 275-6933.

6 screens
\$150









☆ Robert Fisher @

Fwd: Smiley Face Lawsuit

To: Michael Meisel

November 27, 2019 at 1:34 PM



Hey Michael,
Hope all is well with you and family

I've been hearing about this case with MJ. If you need any help I'm the one that drew the smiley face logo. It was for a shirt and I know we also used it on the flyer for the Teen Spirit video shoot to get kids to come down. so that helps date it.

If you're involved with this BS at all and need me for anything let me know.
I'd be happy to help.

Best,
Robert



<https://www.instagram.com/flyingfishstudiola/>

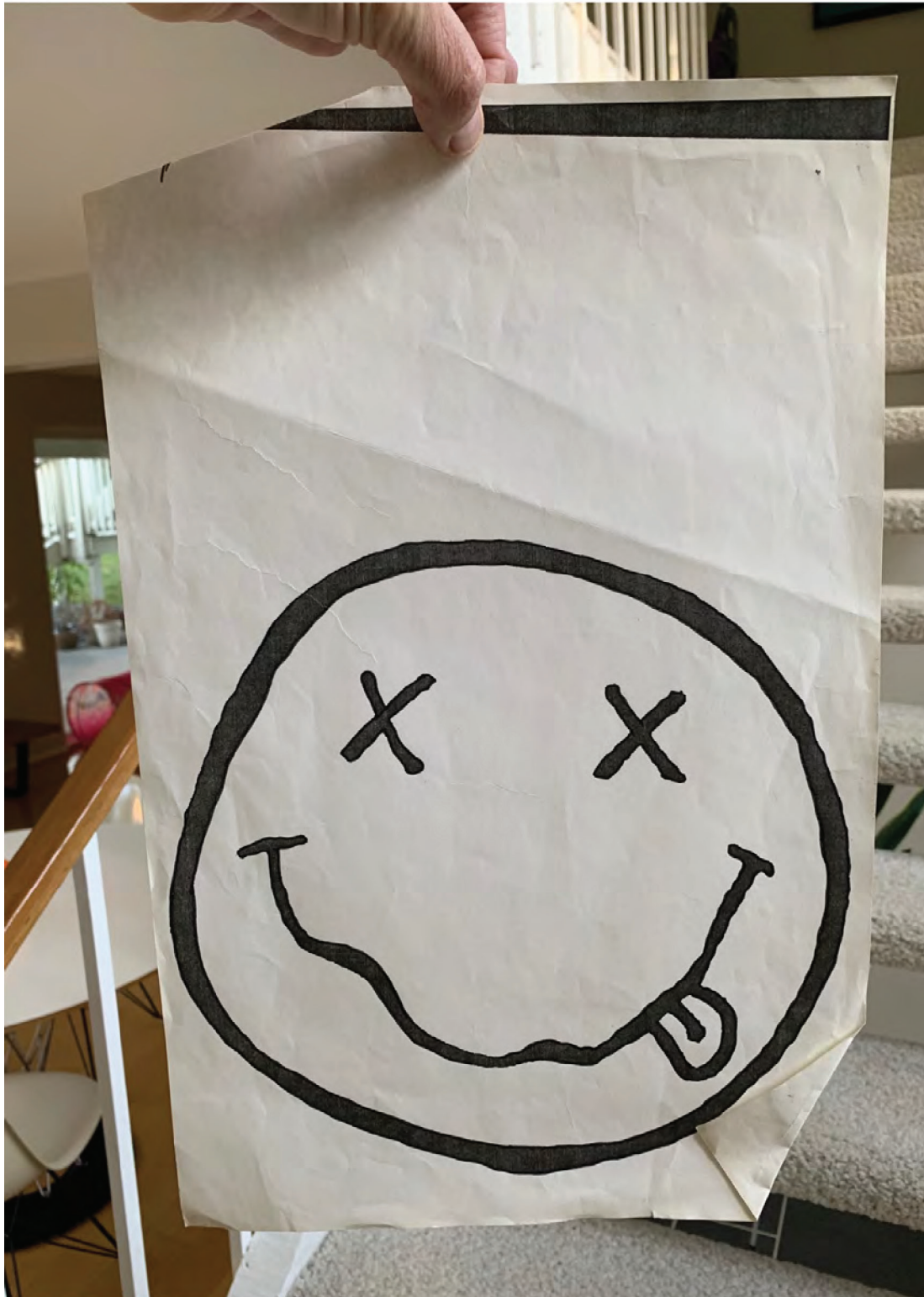
[See More](#) from Mike Wilkinson

Robert Fisher
Exhibit A
To: Michael Meisel

Sent -...ffstudio.us November 27, 2019 at 3:33 PM



Found the original Xerox blowup of it. Can be carbon dated 🤔



☆ Robert Fisher @

November 27, 2019 at 5:44 PM

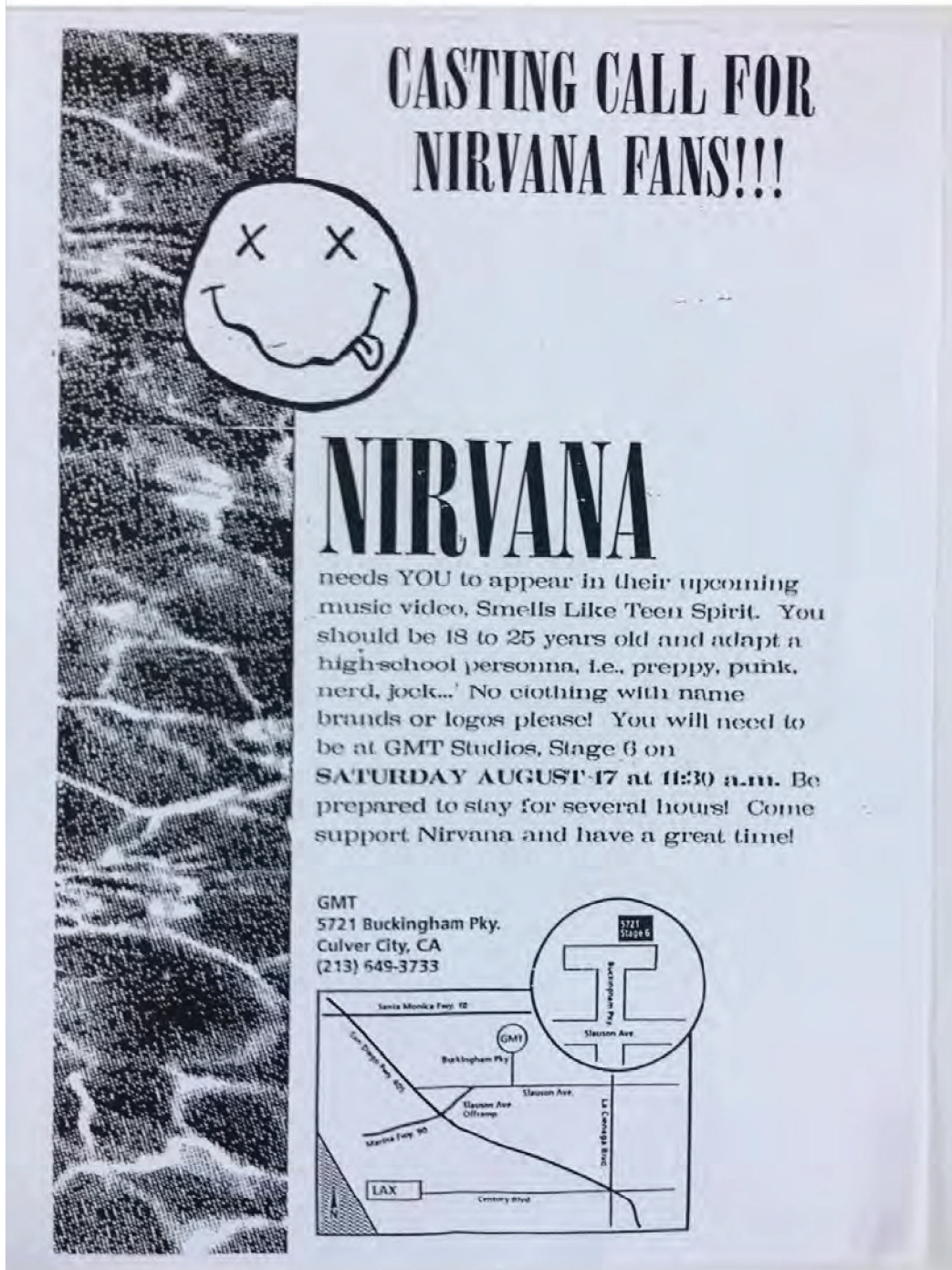


Earlier use of logo

To: Michael Meisel

I also used it here for this flyer the week of Aug 17.
I'm 99% sure I originally drew it for the promo tee shirt. I remember doing a few versions one had \$ \$ for eyes.
Anything I can do to help. Let me know

Robert



Robert Fisher
FLYING FISH STUDIO
818-347-2310
www.flyingfishstudio.us

Found in NIRVANA LAW SUIT Mailbox



Michael Meisel

November 27, 2019 at 7:04 PM



Re: Earlier use of logo

To: Robert Fisher

Thanks so much. For now, just sit tight and stay quiet. We'll speak next week. Enjoy a great holiday with your family.

Michael Meisel
SILVA ARTIST MANAGEMENT
Office: 323.856.8226

On Nov 27, 2019, at 5:44 PM, Robert@ffstudio.us <robert@ffstudio.us> wrote:

I also used it here for this flyer the week of Aug 17.
I'm 99% sure I originally drew it for the promo tee shirt. I remember doing a few versions one had \$ \$ for eyes.
Anything I can do to help. Let me know

Robert

<IMG_4016.JPG>

Robert Fisher
FLYING FISH STUDIO
818-347-2310
www.flyingfishstudio.us

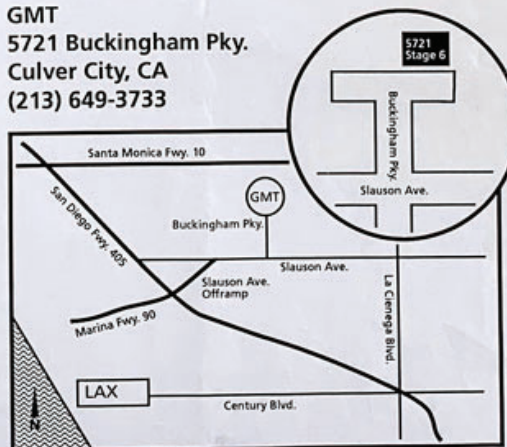


CASTING CALL FOR NIRVANA FANS!!!

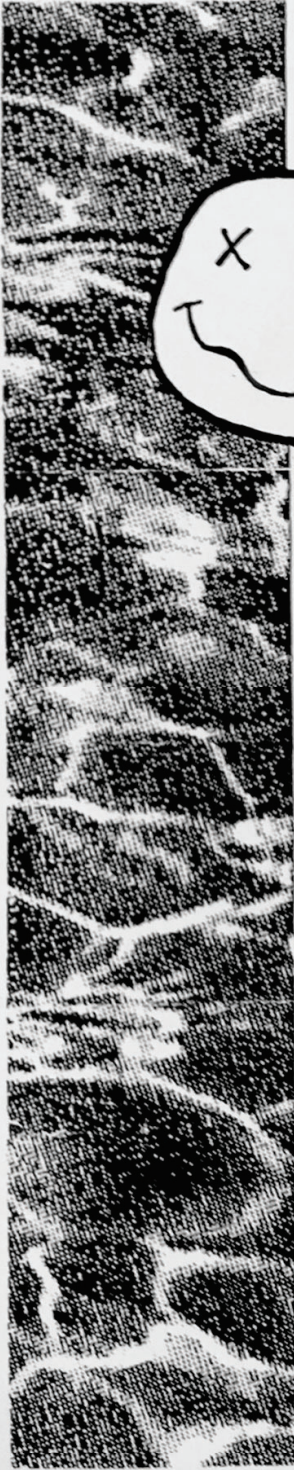
NIRVANA

needs YOU to appear in their upcoming music video, Smells Like Teen Spirit. You should be 18 to 25 years old and adapt a high-school persona, i.e., preppy, punk, nerd, jock... No clothing with name brands or logos please! You will need to be at GMT Studios, Stage 6 on **SATURDAY AUGUST 17 at 11:30 a.m.** Be prepared to stay for several hours! Come support Nirvana and have a great time!


GMT
5721 Buckingham Pky.
Culver City, CA
(213) 649-3733



11 x 17 Poster



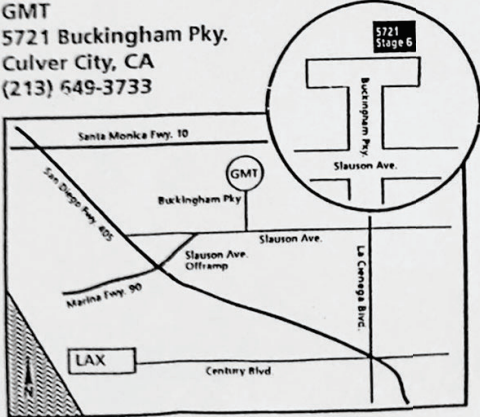
CASTING CALL FOR NIRVANA FANS!!!



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GMT
5721 Buckingham Pky.
Culver City, CA
(213) 649-3733



8.5 x 11 Flyer

EXHIBIT

13

RL 8/27/20

Nevermind Triskaidekaphobia, Here's Nirvana

On Friday the 13th,
join Nirvana and DGC Records
for a release party in honor of Nirvana's
DGC debut album Nevermind.



Friday, September 13
Re-bar
1114 Howell
Seattle, WA
(206) 233-9873
6:00 PM to 8:00 PM

Edible food, drinks, prizes you might
want to take home, a few surprises,
people to meet, the band to
greet....But nevermind all that, the
important part is the music. Hear
Nevermind in its entirety and loud.

This invitation admits you and a guest
only, and must be presented at the door.
Space is limited. 21 & over with I.D.



© 1991 The David Geffen Company

...want to take home, a few surprises,
people to meet, the band to
greet...But nevermind all that, the
important part is the music. Hear
Nevermind in its entirety and loud.

This invitation admits you and a guest
only, and must be presented at the door.
Space is limited. 21 & over with I.D.



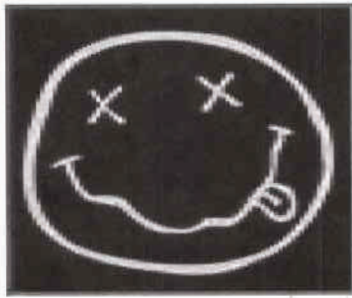
DAVID GEFEN COMPANY
© 1991 The David Geffen Company

ACKNOWLEDGEMENT

UMG Recordings, Inc., as successor-in-interest to The David Geffen Company (“Geffen”), acknowledges and agrees as follows:

1. On or about April 30, 1991, Geffen entered into a recording agreement with Kurt Cobain, Chris (Krist) Novoselic, and David (Dave) Grohl, professionally known as “Nirvana,” that has been amended from time to time.

2. In July or August 1991, while under contract to Geffen, Nirvana began using the following “Smiley Face” design that was included in the following “Happy Face” t-shirt registered for copyright in the name of Nirvana, Inc., Reg. No. VA 564-1:



3. Geffen acknowledges and agrees that to the best of its knowledge, all copyright and related rights in the Nirvana “Smiley Face” design and “Happy Face” t-shirt design depicted and described above are now and at all times have been owned by Nirvana, Inc. or its successor Nirvana, L.L.C. For avoidance of doubt, to the extent necessary, Geffen retroactively grants and assigns all right, title and interest in and to the “Smiley Face” design depicted above and the “Happy Face” t-shirt whose design was registered for copyright in the name of Nirvana, Inc., Reg. No. VA 564-166, in 1993, and which includes the “Smiley Face” design, to Nirvana, L.L.C. and its predecessors, effective as of the date that work was created in 1991.

ACKNOWLEDGED, CONSENTED TO AND AGREED:

UMG Recordings, Inc., as successor-in-interest to
The David Geffen Company

Dated: 1/22/2020

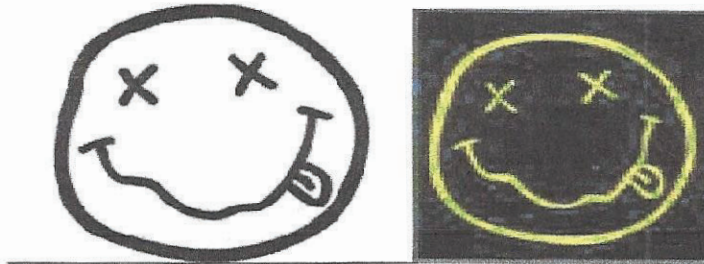
By: John Ray

Senior Vice President, Business & Legal Affairs

ACKNOWLEDGEMENT

The undersigned acknowledge and agree as follows:

1. In 1991, Kurt Cobain created the following Nirvana "Smiley Face" design:



2. The Nirvana "Smiley Face" design depicted above was included on a t-shirt called the "Happy Face" t-shirt whose design was registered for copyright in the name of Nirvana, Inc., Reg. No. VA 564-166, in 1993.

3. For avoidance of doubt, the undersigned acknowledge and agree that all copyright and trademark rights and associated goodwill in the Nirvana "Smiley Face" design depicted above and "Happy Face" t-shirt design described above have at all times been owned by Nirvana, Inc. or Nirvana, L.L.C., that all right, title, and interest in and to said works and associated goodwill is presently owned by Nirvana, L.L.C., that all written grants and assignments needed to perfect Nirvana, L.L.C.'s ownership of said rights have been made, and, to the extent necessary, are made by this acknowledgment and agreement, such that Nirvana, L.L.C. owns all right, title and interest in the "Happy Face" t-shirt whose design was registered for copyright in the name of Nirvana, Inc., Reg. No. VA 564-166, in 1993, as well as all trademark rights and good will associated with the Nirvana "Smiley Face" design depicted above.

ACKNOWLEDGED, CONSENTED TO AND AGREED, EFFECTIVE AS OF DECEMBER 28, 2018:

Dated: Oct. 11, 2019

Krist Novoselic
Krist Novoselic (Oct 11, 2019)

Nirvana, L.L.C.

By: K

Krist Novoselic
Krist Novoselic (Oct 11, 2019)

Dated: Oct. 11, 2019

Krist Novoselic

Dated: Oct 11, 2019

Dave Grohl
David Grohl (Oct 11, 2019)

Dave Grohl

Dave Grohl

Dated: 10/11/19


Jonathan Daniel (Oct 7, 2019)

End of Music, LLC

By: Jonathan Daniel

Dated: _____



Courtney Love Cobain

Dated: _____

Frances Bean Cobain

Dated: _____

End of Music, LLC

By: _____

Dated: _____

Courtney Love Cobain

Dated: 10-10-2019


Frances Cobain (Oct 11, 2019)

Frances Bean Cobain